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9                          IN THE UNITED STATES DISTRICT COURT  
10                          FOR THE EASTERN DISTRICT OF CALIFORNIA

11 DWAYNE EICHLER,

12                          Plaintiff,                          No. CIV S-04-1108 GEB JFM P

13                          vs.

14 CDC OFFICERS SHERBURN  
15 AND LEBECK,

16                          Defendants.                          ORDER

17                          /  
18                          Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil  
19 rights action pursuant to 42 U.S.C. § 1983. The district court denied defendants' motion for  
20 summary judgment by order filed November 1, 2006. On November 29, 2006, counsel for  
21 defendants filed a notice of interlocutory appeal. On November 21, 2006, plaintiff filed a notice  
22 of appeal. Good cause appearing, the schedule set in this court's November 14, 2006 order will  
23 be vacated and this action will be stayed pending resolution of these appeals. Plaintiff and  
24 counsel for defendants shall notify this court within twenty days from any order from the  
25 appellate court resolving the appeals.

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Accordingly, IT IS HEREBY ORDERED that:

1. The November 14, 2006 revised scheduling order is vacated pending the parties' appeal.

2. The March 2, 2007 pretrial conference set before the undersigned is vacated.

3. The jury trial set before the Honorable Garland E. Burrell, Jr. on May 8, 2007

at 9:00 a.m. in Courtroom #10 is vacated.

4. This action is stayed pending resolution of the interlocutory appeals.

5. Plaintiff and counsel for defendants shall notify this court within twenty days

from the date the appellate court resolves the appeals.

DATED: December 14, 2006.

John F. Wark  
UNITED STATES MAGISTRATE JUDGE

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